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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,189	02/17/2000	Simon Robert Smith	00138	7235
7590	09/10/2004		EXAMINER	
Mark G Kachigian Head Johnson & Kachigian 228 West 17th Place Tulsa, OK 74119			WOOD, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/506,189	SMITH ET AL.	
	Examiner	Art Unit	
	William H. Wood	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5,6,8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5,6,8 and 9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 May 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claims 1-9 are pending and have been examined.

Drawings

1. The drawings submitted 24 May 2004 were approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by **Boden et al.** (USPN 5,930,512).

Claim 1

Boden disclosed a method for creating and deploying a process-driven information

System (*column 2, lines 50-65*), said method comprising the following steps:

- ◆ (a) creating a process model comprising a plurality of elements in a process driven information system (*column 4, lines 55-64*), said plurality of elements representing the work carried out by personnel in an organization (*column 4, lines 55-64; column 8, lines 30-64*), said model forming a component of a hierarchical arrangement of cross referenced processes (*definition of workflow; i.e. the FlowMark product; column 12, lines 26-27*);
- ◆ (b) using this model to identify requirements for software application and information support components for said processes (*column 4, lines 55-64; column 10, lines 28-29; and column 12, lines 45-49; FlowMark by IBM*);
- ◆ (c) finding or creating one or more software application and information support components as support for said processes (*column 12, lines 45-49; FlowMark by IBM*);
- ◆ (d) deploying the process-driven information system with said software application and information support components accessible from

designated elements in said processes (*column 2, lines 50-65; column 13, lines 26-35; activities are elements*), each element giving access to an application or information support component (*column 12, lines 23-28*); and

- (e) selection by a user of said process model displayed on a screen to access said software application and information support components to direct the operation of said information software components (*column 13, lines 26-35; Figures 11-20*), and wherein said plurality of elements of said process model are provided in a tool which uniquely identifies each of said plurality of elements (*column 12, lines 19-34; FlowMark by IBM*) and which maps each of said plurality of elements to an application and information in the form of one or more software components (*column 12, lines 19-34; column 12, lines 45-49*) so as to allow user access from the process model displayed on the screen to the one or more software components (*column 13, line 40 to column 14, line 7; column 13, lines 59-64; column 23, line 55 to column 24, line 8*).

Claim 2

Boden disclosed a method according to claim 1 wherein said process model is part of a set of general purpose graphical business models (*column 8, lines 5-9*).

Claim 3

Boden disclosed a method according to claim 2 wherein said process model is accessible via a web browser (*column 2, lines 51-57*).

Claim 5

Boden disclosed a method according to claim 1 wherein said one or more software application and information support components are in the form of arbitrary alternative web pages and web-based resources (*column 2, lines 58-65; column 24, line 60 to column 25, line 27; column 25, lines 44-54*).

Claim 6

Boden disclosed a method according to claim 1 wherein said software application and information support components are accessed by the user selection of one or more of the process model elements displayed on a display screen (*column 13, lines 26-35*).

Claim 9

Boden disclosed a method according to claim 1 wherein said one or more software application and information support components are in the form of arbitrary alternative web pages or web-based resources (*column 2, lines 58-65; column 25, lines 44-54*).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Boden et al.** (USPN 5,930,512) in view of **Entner et al.** (USPN 5,745,901).

Claim 8

Boden did not explicitly state a method according to claim 1 wherein said process model is used to educate users within an organization as to how the organization processes functions. **Entner** demonstrated that it was known at the time of invention to make use of workflow models for personnel training (column 3, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the natural workflow graphics/models of **Boden** as educational tools as discussed by **Entner**. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide easy to understand material (graphics) to users and to make as much use of one tool as possible.

Response to Arguments

6. Applicant's arguments filed 24 May 2004 have been fully considered but they are not persuasive. Applicant argues ¹⁾ **Boden** fails to provide "a graphical

representation alongside the executable representation with direct access for the user from the original graphical design into the executable function" and that the previously recited feature is provided by the recently amended limitations of claim 1 from previous claim 4;²⁾ **Boden** is motivated only to create models to drive the creation of workflow components; and³⁾ **Entner** does not disclose the features of claim 8. As an initial matter, it is not entirely clear how Applicant' arguments relate to Applicant's claimed invention, as no clear correlation from argument to claim limitation could be found.

As to the first issue, this limitation is not found in claim 1 or any of the dependent claims. Applicant apparently correlates the limitations originally found in claim 4 to "a graphical representation alongside the executable representation with direct access for the user from the original graphical design into the executable function". Applicant does not address how the previously cited passages are not read upon by claim 4 and now claim 1. For example, **Boden** column 12, lines 19-34 and column 12, lines 45-49 provided a tool (Flowmark and HTML accessible models/workflows) mapping elements to applications and information (figures 10-20; column 12, lines 45-49; and column 13, lines 59-64; column 23, line 55 to column 24, line 9) so as to allow a user to access the model to one or more software components (*column 13, line 40 to column 14, line 7; column 13, lines 59-64; column 23, line 55 to column 24, line 8; executing processes of the models/workflows*). **Boden** showed a model or workflow, which is edited and accessed or executed from Flowmark and HTML (web pages), apparently at any time. Applicant makes additional arguments against **Boden's**

disclosure of a "graphical representation along side the executable representation", however there appears to be no suggestion of this requirement in the broadest reasonable interpretation of the claim language nor is it yet clear at this point that **Boden** does not disclose said representations.

As to the second issue, it is not readily apparent what failing is shown if **Boden** were to only create models to drive the creation of workflow components. However, it is noted **Boden** describes business models and workflows (column 8, line 65 to column 10, line 35).

As to the third issue, **Entner** simply disclosed the models/workflows are used to educate users, which is what claim 8 requires.

It is believed the above arguments address all of Applicant's concerns and raised issues and having done so, the rejections are maintained over the broadest reasonable interpretation of the claimed invention.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
September 3, 2004

Kakali Chaki
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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100